

MEMO ENDORSED

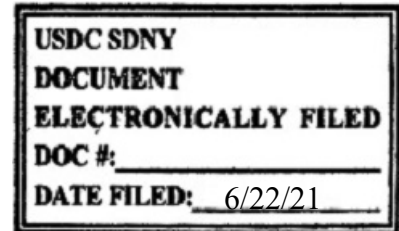


U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street, 3rd floor
New York, NY 10007

June 21, 2021



BY ECF

Hon. Barbara C. Moses
United States Magistrate Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007-1312

Re: *Betancourt-Algarin v. Comm'r of Soc. Sec.*, No. 20 Civ. 9327 (GBD) (BCM)

Dear Judge Moses:

This Office represents the Commissioner of Social Security (the “Commissioner”), the defendant in the above-referenced action, which the plaintiff brought pursuant to 42 U.S.C. § 405(g) seeking judicial review of the Commissioner’s decision to deny his application for Social Security disability benefits.

I respectfully write to request, with the plaintiff’s consent, a 30-day extension of time for the Commissioner to file the certified administrative record in this case from June 18, 2021, to July 19, 2021, *nunc pro tunc*. The Court previously granted the Commissioner two prior 60-day extensions of time to file the certified administrative record but ordered no further extensions of the deadline to file the record. (Dkt. No. 8, 10.) I apologize for the need to seek a third extension of time to file the record, and I have sought to expedite the preparation of the record in this case, but I respectfully submit that compelling circumstances exist here to justify a final extension to prepare the record.

The extension is needed due to delays caused by the COVID-19 pandemic, which significantly impacted the operations of the Social Security Administration (“SSA”) and its Office of Appellate Operations (“OAO”) and materially affected its ability to prepare certified administrative records and to obtain transcriptions of hearing recordings from private contractors. As described in the attached Declaration of Jebby Rasputnis, dated April 29, 2021, the OAO has increased its capacity to produce certified administrative records to pre-pandemic levels, but the combined effects of the pandemic-related disruptions and an increase in new court filings led to a significant backlog in the preparation of administrative records. (Rasputnis Decl. ¶¶ 2-4.) The OAO has been making progress in reducing this backlog but is still working to address the remaining backlog of administrative records. (Rasputnis Decl. ¶ 4.)

As a result, I respectfully request that the Court grant the Commissioner's request for a final 30-day extension of time to file the certified administrative record in this case, on consent of the parties. I thank the Court for its consideration of this request.

Respectfully,

AUDREY STRAUSS
United States Attorney

/s/ Amanda F. Parsels

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Application GRANTED. No further extensions will be granted. SO ORDERED.



Barbara Moses
United States Magistrate Judge
June 22, 2021